



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
FIRE ALARM, BURGLAR ALARM & LOCKSMITH
ADVISORY COMMITTEE

IN THE MATTER OF THE
APPLICATION OF

WARREN L. BESTHORNE

FOR BURGLAR & FIRE ALARM
LICENSE IN THE STATE OF
NEW JERSEY

Administrative Action

FINAL ORDER
OF DENIAL OF LICENSURE

This matter was opened to the New Jersey Fire Alarm, Burglar Alarm & Locksmith Advisory Committee (the "Committee") upon receipt of information which the Committee has reviewed and on which the following findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent applied to have the New Jersey Fire Alarm, Burglar Alarm and Locksmith Advisory Committee approve his application for a Fire Alarm and Burglar Alarm license in the State of New Jersey. On his applications for licensure, respondent indicated that he had been convicted of a crime. As requested, respondent provided documentation related to his conviction. According to the information provided, respondent pled guilty on July 14, 2000 to one count of a violation of Title 18 U.S.C. 471, "Manufacturing of Counterfeit United States Currency." He was sentenced on October 12, 2000 to twelve months and 1 day incarceration which was followed by a term of supervised release for three years. The special conditions of his supervised release included a prohibition against alcohol and substance abuse, mandated urinalysis and treatment at the direction of the U.S. probation officer. Additionally, respondent must comply with financial disclosure as well as mental health treatment as deemed necessary by the probation officer.

2. In addition to the Judgment in a Criminal Case, respondent also provided a letter from Maurine Rush-Blossfeld, Senior U.S. Probation Officer, which is dated May 4, 2004. According to Officer Blossfeld, respondent was released via good conduct from federal custody on September 28, 2001. He was then placed on supervised release under the supervision of Officer Blossfeld. Respondent's term of supervision was anticipated to expire on September 27, 2004.

Officer Blossfeld further states in the letter that respondent has reported with regularity, provided random and scheduled, urinalyses all of which were negative, and has essentially displayed all of the behavior of an individual who has learned from his mistakes and is motivated to change. Respondent successfully completed two years of outpatient treatment at the New Hope Behavioral Program in Irvington New Jersey, remains committed to his recovery, remains self-motivated to his continued rehabilitation, and appears to have achieved a documented level of stability both in his personal and professional spheres.

DISCUSSION

On September 21, 2004, the Committee considered respondent's application for licensure in conjunction with a review of his criminal history summary, the Judgment In a Criminal Case and the letter provided by Senior U.S. Probation Officer Maurine Rush-Blossfeld. After a thorough review, the Committee preliminarily determined that respondent's July 14, 2000 conviction for "Manufacturing Counterfeit United States Currency", in violation of Title 18 U.S.C. 471, prohibited the Committee from issuing him a license pursuant to N.J.S.A. 45:5A-27a(2). That statute holds that an applicant seeking licensure to engage in the alarm business shall be of good moral character, and not have been convicted of a crime of the first, second or third degree within 10 years prior to the filing of the application. The Committee analyzed the elements of Title 18 U.S.C. 471 and determined they were synonymous to a state conviction for "forgery" pursuant to N.J.S.A. 2C:21-1. A person is guilty of a violation of Title 18 U.S.C. 471 when with intent to defraud, he falsely makes, forges, counterfeits, or alters any obligation or other security of the United States. Likewise, a person is guilty of a violation of N.J.S.A. 2C:21-1(2) when with purpose to defraud or injure anyone he...makes, completes, executes, authenticates, issues or transfers any writing so that it purports to be the act of another who

did not authorize that act. "Writing" is defined to include printing or any other method of recording information, money, coins, tokens...etc. According to N.J.S.A. 2C:21-1b, forgery is a crime of the third degree if the writing is or purports to be part of an issue of money, securities, postage or revenue stamps, or other instruments, certificates or licenses issued by the government. Therefore, when analyzing the elements of Title 18 U.S.C. 471, it is clear that they are synonymous to the elements needed for a conviction in New Jersey for a third degree offense of forgery pursuant to N.J.S.A. 2C:21-1b.

Additionally, a person convicted of a violation of Title 18 U.S.C. 471 shall be fined or imprisoned not more than 20 years, or both. According to the New Jersey Code of Criminal Justice, specifically, N.J.S.A. 2C:43-6(1), a person who commits a crime of the first degree shall be sentenced to a term of imprisonment between 10 years and 20 years. Therefore, in some instances, a violation of Title 18 U.S.C. 471 could result in a term of imprisonment equivalent to that of a crime of the first degree in New Jersey. Therefore, when analyzing the elements of Title 18 U.S.C. 471, as well as the potential length of incarceration that could be imposed, it is apparent that a violation of Title 18 U.S.C. 471 is equivalent to a violation of a first, second or third degree offense under the New Jersey Code of Criminal Justice. Since the conviction occurred within ten years from respondent's date of application for licensure, he must be denied licensure pursuant to N.J.S.A. 45:5A-27a(2).

The Committee also reviewed respondent's application and criminal history in order to determine whether respondent should be denied licensure pursuant to N.J.S.A. 45:1-21b for engaging in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense. After extensive consideration, the Committee determined that respondent's conviction for "Manufacturing Counterfeit United States Currency" is the engaging in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense.

Additionally, the Committee reviewed respondent's application and criminal history information in order to determine whether respondent should be denied licensure pursuant to N.J.S.A. 45:1-21f for having been convicted of or engaging in acts constituting, any crime or offense involving moral turpitude or relating adversely to the activity regulated by the Committee.

After extensive consideration, the Committee determined that respondent's conviction for "Manufacturing Counterfeit United States Currency" is an offense involving moral turpitude and also relates adversely to the activity regulated by the Committee.

Finally, respondent indicated on his application for licensure that he did not possess a high school diploma or equivalency. According to N.J.A.C. 13:31A-3.1(a)5, all applicants seeking licensure to engage in the burglar alarm or fire alarm business shall hold a high school diploma or equivalency certificate. As a result, the Committee determined that respondent's failure to hold a high school diploma or equivalency certificate was an additional reason which necessitated denying respondent's application for licensure.

Although the record reflects that the Provisional Order was served upon respondent, no written response has been received to date. The certified mail was received by respondent as evidenced by the returned green certified postcard dated December 11, 2004 and bearing the signature of the respondent. The regular mail was not returned. Accordingly, the Committee considered the matter, determined that further proceedings were not necessary and that the Provisional Order should be made final.

CONCLUSIONS OF LAW

1. The above findings of fact provide grounds for denying respondent's application for a burglar and fire alarm license in New Jersey, pursuant to N.J.S.A. 45:5A-27a(2) and N.J.A.C. 13:31A-3.1(a)3, in that respondent's conviction for "Manufacturing Counterfeit United States Currency" pursuant to Title 18 U.S.C. 471 is equivalent to a conviction of a crime of the first, second or third degree, under the New Jersey Code of Criminal Justice, which occurred within ten years prior to the filing of the application for licensure

2. The above findings of fact also provide grounds for denying respondent's application for a burglar and fire alarm license in New Jersey, pursuant to N.J.S.A. 45:1-21(b), in that respondent's conviction for "Manufacturing Counterfeit United States Currency" pursuant to Title 18 U.S.C. 471, is the use or employment of dishonesty, fraud, deception or misrepresentation.

3. The above findings of fact also provide grounds for denying respondent's application

for a burglar and fire alarm license in New Jersey, pursuant to N.J.S.A. 45:1-21(f), in that respondent's conviction for "Manufacturing Counterfeit United States Currency" pursuant to Title 18 U.S.C. 471, is a conviction or offense involving moral turpitude or relating adversely to the activity regulated by the Committee.

4. The above findings of fact also provide grounds for denying respondent's application for a burglar and fire alarm license in New Jersey, pursuant to N.J.A.C. 13:31A-3.1(a)5, in that respondent does not hold a high school diploma or equivalency certificate.

Based on the foregoing findings and conclusions, respondent's application for a Burglar Alarm and Fire Alarm license in the State of New Jersey was provisionally denied by way of Provisional Order of Denial of Licensure which was entered on December 7, 2004 and a copy was forwarded to respondent's last known address by regular and certified mail. The Provisional Order was subject to finalization by the Committee at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification of the stated Findings of Fact or Conclusions of Law by submitting a written request setting forth in writing any and all documents or other written evidence supporting respondent's request for consideration and reasons therefore.

ACCORDINGLY, IT IS on this *15* day of *November* 2005,

ORDERED that:

1. Respondent's application for a Burglar Alarm and Fire Alarm license in New Jersey is hereby denied.

FIRE ALARM, BURGLAR ALARM AND LOCKSMITH ADVISORY COMMITTEE

By: 
Robert Boyer
Acting Committee Chairman